

**FLOOD CONTROL ADVISORY BOARD
MINUTES
June 23, 2004**

Melvin Martin, Chairman called the meeting of the Flood Control Advisory Board (FCAB) to order at 2:05 p.m. on Wednesday, June 23, 2004.

Board Members Present: Melvin Martin, Chairman; Scott Ward, Vice-Chairman; DeWayne Justice; Kent Cooper, Secretary, Paul Cherrington, Ex Officio; Hermant Patel.

Board Members Absent: Thomas Callow, Ex Officio

Staff Members Present: Tim Phillips, Acting Chief Engineer and General Manager; Julie Lemmon, General Counsel; Dick Perreault, CIP/Policy Manager; Russ Miracle, Division Manager, Planning and Project Management; Doug Williams, Planning Branch Manager; Dianna Cunningham, Lands Property Manager; Greg Jones, Regional Area Planning Manager; Amir Motamedi, Acting Regulatory Manager; Steve Waters, Engineering; Sharon McGuire, Contracts Specialist; Wanette Maxwell, Contracts Specialist; Barbara Hummell, Public Works Contracts Manager; Angie Hardesty, Contracts; Stuart Dalbey, Facilities; Afshin Ahouraiyan, Planning & Project Management; Bobbie Ohler, Project Manager; Valerie Swick, Project Manager; Lynn Thomas, Floodplain Management Division; Joe Tram, Engineering, Special Projects; David Boggs, Floodplain Management Division; Scott Vogel, Project Manager; Felicia Terry, Regional Area Planning Manager; Fritz Huber, Construction Management Branch Manager, Bob Panasewicz, Construction Manager; Mike Towers, Construction Manager; Laurence Spanulescu, Construction Manager; and BJ Johnston, Clerk of the Drainage Review Board.

Guests Present: Ed Fritz, MCDOT; Tim Montgomery, HDR; Allan Zimmerman, City of Chandler; Bob Darr, Huitt-Zellors; Lance Webb, CMX; Dave Jensen, DEA; Jeff Low, Town of Cave Creek; Jan Farmer, AFMA; Burton Charroly; Selwyn Justice; Bridget Schwartz; and Mike Heaton. .

1) PRESENTATION OF EMPLOYEE OF THE QUARTER

Phillips: Mr. Chairman, as you know each quarter we have an Employee of the Quarter presentation. At this point, I'd like to ask Sharon McGuire and Barbara Hummel to come forward. Barb would like to tell you what Sharon has done to deserve being selected as Employee of the Quarter.

Hummel: I am Barbara Hummell, Contracts Manager for both the Flood Control District and the Maricopa County Department of Transportation. In the last quarter, Sharon has taken on a dual responsibility while another staff member was out on medical leave for two months. Sharon kept all the contracts and agenda items going and much of what you saw in this past agenda, she kept

those contracts going forward for us. As a result, she has been recognized by her peers for her hard work. Congratulations Sharon.

Martin: Very good. Thank you very much.

Phillips: Mr. Chairman, I would like to add to that. In the last few months, Sharon has really done a great job getting the agenda items and IGA's going.

2) APPROVAL OF THE MINUTES OF THE MEETING OF MAY 26, 2004.

ACTION: It was moved by Mr. Justice and seconded by Mr. Patel to approve the minutes as submitted. The motion carried unanimously.

3) NEW RIVER CHANNEL CONSTRUCTION – IGA FCD2004A004 WITH THE CITY OF PEORIA.

Scott Vogel, Project Manager presented IGA FCD 2004A004 with the City of Peoria for the New River Channel – Grand Avenue to Skunk Creek and including Paradise Shores. This item was an action item but due to some issues with the City of Peoria, it was requested that the action be tabled until a later date. The City of Peoria has requested a review of how the plans are proceeding. Currently the planning is at 60% and the City has some issues that they would like addressed in the plans prior to the District approving the IGA. Therefore, we are recommending that action on this item be postponed to a future meeting.

Discussion:

Patel: What is the estimate on the operation and maintenance cost of this project on an annualized basis?

Vogel: Based on the last 3 years of work that we have done in New River downstream of this particular project, we are estimating for this 2-mile stretch, approximately \$50,000 per year for annual maintenance.

Ward: Why aren't we voting today? What are the issues?

Vogel: One of the key issues that the City of Peoria, as well as the Flood Control District, wanted for this project is for the river to be as much as possible a natural environment. We would like to leave as much of the existing vegetation as possible. As we developed the plans, we identified that we have not been able to keep as much of the vegetation as we had all hoped. The City of Peoria is concerned about this and wants to go back and take another look at different methods of achieving flood control as well as the environmental and aesthetic issues. There is potential that the resolution of those issues could modify some of the provisions of the IGA

Ward: Have you done a plant inventory in those basins?

Vogel: Yes, we have done a habitat inventory as part of the project.

Ward: Does the U.S. Army Corps of Engineers have an issue with you moving trees that they don't want moved?

- Vogel:* No, actually the issue is the conveyance capacity that we require for the channel. The channel is so choked up with vegetation now that we need to remove much of it in order to meet our capacity requirements.
- Martin:* Who has been responsible for the operation and maintenance on the channel until now?
- Vogel:* Mr. Chairman, the maintenance on the river has been very limited to this point. The ownership of the river in this area is shared between the District and the City of Peoria. It is very much a checkerboard pattern through here. My thought is that any maintenance that has been done was done by the District. I know that we have done sediment removal at the drop structure but between the drop structure and Grand Avenue, I would say that there has been very little maintenance.
- Martin:* If you are going to have trails there, are you going to have fences so the banks can't be turned into a skateboard park?
- Vogel:* The banks will actually be gabion mattress covered with about a foot of soil. It will appear to be an earthen channel, hydro seeded with shrubs and bushes. So we don't anticipate that being a problem.
- Martin:* So the trail will not have a fence to prevent people from going down into the channel.
- Vogel:* That's correct.
- Martin:* Is that a liability problem if we open that as a trail?
- Lemmon:* Generally our IGA's provide that if the city wants to put in a recreational park, they take responsibility for the public use. This does have some language that talks about the city maintaining the public use features but it doesn't specifically go into the liability issues. We can certainly add that to the draft IGA. Generally that is how we handle it and that seems to work out pretty well. The cities are allowed to police the area and enforce the area. That seems to have been a good solution.
- Ward:* You have a real tough dilemma. I went out and looked at this. This is just a beautiful riparian habitat that goes through here and yet you probably have thousands of cfs going through here during flood conditions. It's a tough situation when you have such beautiful environment, but you need that area to let the water flow through. Everyone is built so close along that shore. Usually, when constructing a channel, you have to go wider, which you can't, or you have to go deeper. With all the growth that is happening to the Northwest, there is going to be a lot of water that needs to flow through there.
- Vogel:* I agree. It has been a challenging project. One of the things I'd like to point out is that we have been able to provide some additional capacity through excavation. Much of the existing banks from Thunderbird Road up through

the drop structure are about 5:1 slopes. Our proposed gradients are going to be approximately 2:1 slopes. So we will be able to gain some capacity by that measure.

Justice: Let me ask about the native plant life there. If I am not mistaken, there is an awful lot of Desert Broom in there, which is not a native plant. It tends to choke those rivers up pretty badly. I would think that those sorts of plants could be removed without complaints.

Vogel: I certainly won't claim to be an expert on the vegetation types. We do have a landscaper and environmental consultants working with us on this project. Desert Broom, I've heard is not native but is something that is going to grow in the river. From what I understand, what we will do is just allow it to happen. From a capacity stand point, the Desert Broom is weak enough that large storm flows will just push it over, it really won't create too much of a capacity concern.

ACTION: It was moved by Mr. Justice and seconded by Mr. Patel to approve the staff request to postpone action on this item. The motion carried unanimously.

4) IGA FOR CAVE CREEK DRAINAGE STUDY

Felicia Terry, Regional Area Planning Manager, presented IGA FCD 2004A011 that defines the responsibilities of the Flood Control District and the Town of Cave Creek for the Cave Creek Drainage Master Plan.

Martin: What was the total cost of this project?

Terry: Around \$1 million, that is for the study and the mapping.

Martin: Is that on a cost share basis?

Terry: The Town of Cave Creek is going to contribute \$200,000. This is a planning project that would normally be funded totally by the District. We had this scheduled for Fiscal Year 2006/2007 and the Town came to us to ask if we could do the study sooner. They offered to contribute towards the cost to help move the project forward.

Ward: Can you go back to the map that showed the Tonto National Forest? That watershed, is a lot of the runoff created by the Tonto National Forest?

Terry: This watershed does continue to extend up to the national forest.

Ward: Tim, is that something we could work with the U.S Army Corps of Engineers on, to obtain some federal funding because it interrelates with the forest?

Phillips: Mr. Chairman, Mr. Ward, I'm not sure I know the answer to that question. I know that if we attempted to obtain federal funding it would be a couple of years down the road before we were able to get this project started. The timing and the need to get this area in the master plan process acknowledges the rapid growth in the north valley. I don't know that we have ever been

able to get federal funding for a watershed study based on it being in a national forest.

Ward: Could we go to FEMA? Those are jurisdictional washes that you have delineated, right?

Terry: Right.

Ward: Could we go to FEMA and talk to them? Or do you think trying to do that takes to long?

Phillips: Mr. Chairman, Mr. Ward, historically we have done the master plans on our nickel. I don't think we have typically gone to the Corps of Engineers or other parties to get federal funding to support it. Truly, once you get the Corps involved, you are a couple of years down the road before we can get started. Our master plans tend to be of greater detail than the reconnaissance of the feasibility studies that the Corps of Engineers has participated in with us. Perhaps Russ Miracle could elaborate.

Miracle: We tend to go after federal funding on projects where there are large construction dollars at stake. These studies are primarily geared to identify any problems that need to be fixed. So, this is premature for what we have, in the past, applied for federal funding. The extension of that is that when we have gone after federal funding for feasibility funding, it is our belief that we can typically do the study for less than our half of the Corps of Engineers' cost. We find there is no advantage to it. Our belief is that we can do it quicker, faster and certainly cheaper.

Phillips: Mr. Chairman, I would add that we do look for those types of opportunities. If one presents itself for the federal cost share contribution, we try to take advantage of that provided it fits our schedule and needs.

ACTION: It was moved by Mr. Patel and seconded by Mr. Ward to approve the item as submitted. The motion carried unanimously.

5) CIP CONSTRUCTION UPDATE STATUS: BETHANY HOME OUTFALL CHANNEL, ELLIOT ROAD BASINS AND MITIGATION, HAWES ROAD IMPROVEMENTS, DOUBLETREE RANCH ROAD DRAINAGE IMPROVEMENTS AND LAVEEN AREA CONVEYANCE CHANNEL PROJECTS.

Updates on these projects were provided by Fritz Huber, P.E. & C.C.M., Construction Management Branch Manager; Bob Panasewicz, Construction Manager; Mike Towers, Construction Manager and Laurence Spanulescu, Construction Manager.

Martin: Are we putting in sidewalks at Laveen?

Phillips: Mr. Chairman, the answer is yes and no. What we had was a maintenance road. The City of Phoenix upgraded the road to a sidewalk.

Panasewicz: This was a joint cost with the City of Phoenix.

Ward: Why the decision to use cast in place piping on Doubletree Ranch Road?

Spanulescu: The project was designed with the option of cast in place pipe or precast pipe. The contractor had the option.

Ward: Could you not get the cranes in there to drop the pipe?

Spanulescu: Yes, it was possible.

Ward: Was it cheaper, more cost effective or was timing an issue?

Spanulescu: This contractor chose to use cast in place pipe because he specializes in it and it was definitely more cost effective for him. As a result, we benefited from having these options in place.

Ward: Just a comment. I watched that job. As you know, I have a number of friends who live in that area. I really applaud you, those were tough conditions; traffic on Doubletree Ranch Road all the time, the schools and the neighbors.

Cherrington: Last month, we had a resident here alleging that after the project was completed during a small storm there was water ponding in the street. Tim, can you respond to that?

Phillips: Mr. Chairman, Mr. Cherrington, I will respond to that issue during my comments.

6) CIP COST SHARE POLICY DISCUSSION

Russ Miracle presented the results of recent meetings with the cities pertaining to the District Cost Share program.

Cooper: What level of personnel representatives did you meet with?

Miracle: We met with City Managers or City Engineers.

Cooper: I think sometimes City Engineers and Public Works individuals are not as focused on the implications of cost sharing as City Managers might be. I don't know the percentage of people who have to worry about paying the bills versus those who do not.

Miracle: I am guessing about half of the representatives were City Managers.

Cooper: That's good.

Phillips: I think the cross section of people we spoke to did have that perspective. I am sure that Mr. Callow could share his city's perspective very strongly, as did others. I think we got a good perspective from the communities .

- Miracle:* Some of the cities felt that we should do a better job of defining the benefits that would be achieved with the projects, to make it easier to sell to the city council. So in the planning studies we can make a better effort to define these benefits to better prioritize the projects in our planning program.
- Martin:* My question along that line is that the project has to come from the city, so why would we prioritize something that they said they want us to do? Then they have to go back and sell the city on the project?
- Miracle:* Mr. Chairman, most of our projects come from our planning efforts. We do our area drainage master plans and then we ask the cities, out of the projects that we have identified within their jurisdictions, which ones do they feel are the most important? Then we ask them to annually submit their list of projects for us to consider.
- Patel:* I have a couple of questions. When we are talking about operations and maintenance costs and giving the cities more credit, 5% versus 10%. When we do the analysis at our end to determine the worth, do we keep in mind that from our standpoint the operations and maintenance is just for a drainage solution? If the city is turning the project into a public use facility, we consider the operations and maintenance cost only for a drainage solution?
- Miracle:* We do look at it that way. At staff level, we get into the actual discussion of what is the actual operations and maintenance cost on each project. Should we develop an amount, escalated over time and go through a full analysis? We decided it would take a lot of time, effort, and money for us to develop some numbers that are clearly guesswork. It may be based on information, but they aren't solid numbers that can be relied on. We don't have that kind of reliable information to make that type of forecast. Our recommendation was to leave it as a percentage of the initial construction cost. We felt that 5-10% was a reasonable number.
- Patel:* That would be 5-10% of the initial cost, not including the add-ons?
- Miracle:* Absolutely.
- Patel:* My other comment was regarding the feedback from the cities regarding the absence of the County at the cost share table. That is something that we need to take back to our Board of Directors and find some way of getting access to another funding source. That is a legitimate concern and if we don't solve that problem, we are never going to be able to get ahead. We have to wait until projects are planned and about ready to go, as a result we are always playing catch up. Not having access to other funds is a problem beyond this room. We need the Board and our client cities to help us with that. I really do believe that we need access to other funds because this formula doesn't work without the County participating.
- Cooper:* I certainly echo those remarks and also wanted to thank you for sending the materials out to us in advance. Viewing the slideshows and website in advance were very helpful. I think part of your recommendations will help take the sting out of the problem we were just talking about by increasing the

District's proportion to a higher number. That is certainly a step in the right direction. I am just wondering how the Board of Supervisors would view that. Right now they are pretty preoccupied with a lot of different issues. They are pretty happy with the budget they were able to prepare and the tax rate. . The odds of us being able to get the County to agree to come up with any kind of funding sources are pretty slim. The equity position that we keep talking about is going to be a big enough challenge. To get them to agree to a higher percent for the District in the match is a lot to tackle in one set of recommendations. I appreciate all the hard work you have done in following up on the questions we have raised, as this was a topic during our last meeting with the Board of Directors. It looks like we have launched into a comprehensive look at what the policies are and what the cities would like them to do.

Miracle: Mr. Chairman, one thing that I didn't say earlier, what I heard from the cities ,was that typically they understood that if they contributed less, we would have less to spend and there would be fewer projects completed. They understood that and were generally ok with a lower cost share on their part.

Phillips: For the roughly \$50M CIP budget, to put the infrastructure in the ground, the cost to us of this increased cost share is about \$5-6M, or about 10% of our budget. So you could say that we would be putting 10% less infrastructure in the ground in any given year. We realize that not everyone is going to be happy with this, but what we try to do is build a consensus that communities can live with. Knowing that paying 100% is not practical from our standpoint and that 50% may cause the communities some hardship, this is a middle of the road solution. Several of the larger cities were at the discussion and their first position was that we should pay 100% of the cost. However, as we talked through it, this seemed to be a reasonable alternative. It gives a little bit more than what we have done in the past but certainly doesn't fund the entire project. Fundamentally, the goal is to put the infrastructure in the ground and if we can get the communities' buy in and help in putting the infrastructure in the ground a little bit faster, in the long run we can get more projects in faster and spend less time negotiating Intergovernmental Agreements. I think our next step here is to look at this a little bit further at staff level, to either solicit your independent input or call for a workshop with all of you and go through the details to see what we want to recommend to go forward. It would be my intent to speak to each of the members of the Board of Directors one on one to see where they might stand on this before we present it to the Board of Directors as a whole. Is this the best answer? No. Is it the worst answer? No. Is it a good answer in between? Recognizing that the cities are an important part of our client base, I think this achieves that.

Martin: In general, you feel that what we have done in the past, negotiating individual projects, hasn't worked?

Phillips: Mr. Chairman, Members of the Board, from my perspective, and Dick Perreault can certainly add to this, the 50/50 has worked, but it has been a struggle along the way. I can certainly see some of the communities' perspective of where collectively the revenues are coming from. The first

part of the presentation indicated that the communities realize that there is a need for cost share and the return to sender isn't really the answer. So we still maintain the regional perspective. It has to be based on need. This provides a better way to get the projects done. Dick, would you like to add anything to that?

Perreault: Mr. Chairman, the 50/50 has worked but I can tell you that behind the scenes it has not been real easy and sometimes it hasn't been real pleasant, but we have gotten there. If a city really wants a project and they have a lot of support within the city to get the project, the 50/50 goes pretty easily. In some of the more developing communities which have very constrained budgets, there are a lot of projects that they would like to have or it would make a lot of sense to get them in before growth actually hits, their hands are tied. They just don't have the funds and the 50/50 is really a big issue. As you mentioned, the perceived inequity with the County not sharing in the projects is always an issue.

Martin: My feeling along that line is that if we establish a hard fixed percentage then we are giving money away on a project that a big city might have the money to spend. If they really want it, they don't mind paying 50% of the cost to get it done. So if we establish some hard rules of 70/30, we are throwing money away that we could use on other projects. I know it's probably been tough to deal with some of the negotiations.

Perreault: Mr. Chairman, we are not saying that we are not going to negotiate each contract and each IGA.

Martin: But the cities will throw that right in your face.

Ward: I agree. We cannot set that precedent with anyone.

Cooper: Mr. Chairman, I think I am a bit more sensitive to the cities' side than some of you. The fact is the cities feel there is a great inequity in the District projects and the money that comes from the cities' tax base because that is where the County gets it's revenue. It's like we're taking money out of the communities and only sharing 50% of it back, which is the attitude the cities have. Another issue, we continuously have legislation efforts where people want to opt out of the District to keep the money in town and have 100% of the money.

Martin: If you look at it realistically, your analysis is completely wrong. Because, let's just go to Gilbert and see what we have spent in Gilbert. I'm sure that Dick has the figures that will verify that we spent more in Gilbert than Gilbert has ever paid in taxes.

Cooper: I really doubt that.

Martin: Phoenix threw that up in our face three or four years ago. When we ran all the numbers for the last 10 years we proved to them that they had approximately an 80% return. They originally argued that they only had

about 20% return. We ran a 10-year analysis and they finally admitted that they didn't realize there was that much money coming back into the city.

Cooper: I think you would find that analysis would vary from community to community. Some are haves, some are have-nots. That is part of the problem we are facing here. What the staff is trying to do is come up with something that takes the sting out of it a little bit. I think, following up on Mr. Patel's comment, what we ought to do is get the County to quit reducing the District levy to build up some more funds so we can do more with the District funding instead of having them rob the District levy to reduce the general tax rate. They didn't do that this year. There are some inherent problems in the way flood control is funded and the way we ask for participation. It creates a lot of confrontation among the participants. This would help. It's not the solution, but it would help. It sounds like as a Board we are going to have a lot of discussions about this.

Martin: I hope we do. I think that everyone should have their own opinion.

Patel: Since we can't act on this, I think a workshop would be appropriate.

Phillips: Mr. Chairman, Members of the Board, that was going to be my next comment. If it looks like we will have this kind of discussion, we can get everyone together to talk about this. Since we do not have a board meeting in July, perhaps we can call one. It is a real issue. It is difficult to deal with and there is no really simple answer. So we just need to work with what we have. We will contact you and set a special meeting for this discussion.

Martin: My other comment was pertaining to an issue Russ brought up. We do not need to be involved in small sewer, storm drain projects protecting two or three houses. That is a waste of District people, time and money. If we think the District is going to be in the business of protecting a street where all they need to do is extend a storm drain, I would be adamantly opposed to that. If a city has a problem like that, let them take care of it. We should be protecting the general public not one or two houses. That is my personal opinion.

Phillips: Mr. Chairman, right now the staff has developed a concept. You haven't seen it. From the staff perspective, it does have some merit depending on how it is managed. Your comments are certainly true. However, there are some opportunities where this could be advantageous. That is something that we would like to bring forward to you at a later date for further discussion. At this point, it is just a concept that is rolling around among the staff.

Cooper: I was going to say that I would not be opposed to having a small amount of money set aside to be used at the staff's discretion, if there was merit. I think a lot of the flooding and ponding is inherited by the cities because the County did not require appropriate planning. There are a lot of problems that were not created by the cities, but they are being asked to step up and pay for them. This is a jurisdictional issue in some ways, but since we do take money from all the taxpayers, we ought to help resolve past indiscretions and flood problems on an individual basis where it makes sense. I do agree that I

wouldn't want it to be a lot of money and I wouldn't want to spend our time. I think it would be a very rare type of situation for the District to be involved.

Phillips: Mr. Chairman, Members of the Board, I suggest that when we get you together to talk about the cost share, we will add to the agenda a little bit of discussion about small projects. So you will have an idea on the direction we would like to take.

7) PROPOSED REVISIONS TO THE FLOODPLAIN REGULATIONS FOR MARICOPA COUNTY.

Lynn Thomas, Floodplain Management Branch, presented the latest proposed revisions to the Floodplain Regulations for feedback before distributing the proposed changes to the public.

Ward: I would like to offer a comment. I am very very passionate about what is happening in rural Maricopa County. We see continued development with wildcat subdivisions and illegal lot splits and I have shared this with Joy Rich in the Planning Department. A lot of the problems that the Chairman had stated, we are going to continue to see, especially in these alluvial fan areas that you mentioned. These people are going to continue to subdivide their land because it is their due process right in this state. However, they build right in the middle of floodplains, they are not cognizant of washes, they are not cognizant of any type of flows. That's why I brought up the mapping. Looking at the Carefree/Cave Creek area, we are going to continue to see that type of development and I think it is going to come back to haunt us with these little individual cases of people building in harms way. I offered to go to meet with the Planning and Development Department to see if there is some way we could do more mapping within the County in preparation for development.

Cooper: Did you say that we provide floodplain management for 13 communities?

Thomas: Yes, there are 13 communities in Maricopa County and if you look on the last page of the draft regulations, those communities are named.

Cooper: We only have 13 communities that are listed with the District?

Thomas: Yes.

Farmer: Mr. Chairman, Members of the Board, I am Jan Farmer with Gault Group. I think many of my questions are very specific, so I am glad to hear that you will have a 60-day review period. Just a couple of clarifications, you had mentioned the federal code and ADWR, is that in regards to the NPDES?

Thomas: No. Mr. Chairman, Members of the Board, the Arizona Department of Water Resources is our state coordinator for the District and its citizens to participate in the National Flood Insurance program. The federal regulations that I referred to pertain to the National Flood Insurance Program.

- Farmer:* Just for my clarification, the ADWR and the Flood Control District, the regulations that the District regulates, are they the criteria set by ADWR? I'm a little confused on that.
- Thomas:* Mr. Chairman, Members of the Board, they include state statutes, federal regulations and local regulations.
- Phillips:* Mr. Chairman, if I may. There is going to be an opportunity for many of these comments to be addressed. We just wanted to bring the Board up to date on what we are doing. Jan, if we can get your comments and questions as we go through the process, that is what we are soliciting. We don't want to do this in a vacuum and I certainly don't want to stand in front of the Board of Directors and have an audience behind me taking shots at this. There will be more than ample opportunity to go through these draft regulations and address whatever questions you may have, rather than trying to go through each one of them right now. If that's all right?
- Farmer:* Thank you. I was just trying to get an overview and get clarification on some of the relationships with the federal regulations and ADWR. So I apologize, I don't mean to be specific. I just wanted to ask, for the 60 day period, are you going to set a time when we can all come together or will there be a time when we can submit comments and questions?
- Thomas:* When we have received more initial comments, we will do that. I also wanted mention that I have copies available for members of the audience.

8) COMMENTS FROM THE CHIEF ENGINEER AND GENERAL MANAGER

- Phillips:* Mr. Chairman, I have a couple of comments. First, in response to the Doubletree Ranch Road issue and the comments made by Ms. Clendenin at the last board meeting. I gave Ms. Clendenin my card after the meeting and said that if she had specific questions, to please send me a note and we would be happy to answer them. As of today, I have not received anything.
- Basically, Ms. Clendenin raised four questions as part of the meeting last month. I would like to address those. She said that the engineers who were doing the as-builts told the residents that they were unhappy with what Blucor had done. As far as we know, no such concerns have been brought to the District's attention. If she can bring us some facts pertaining to that, we would be happy to look into that.
- She made a comment that during light rains water ponds where the Doubletree storm drain flows into Indian Bend Wash. I think this answers your earlier question, Mr. Cherrington. The Indian Bend Wash has a very slight gradient in this area. In fact, the culverts under Indian Bend Wash at Doubletree are lower than the downstream wash, so water is going to pond there anyway. Where the channel connects to the wash is also very flat, water also ponds in the channel where it flows in. Basically, the water ponded there to some degree before, and our project did not change the condition.

There was also a question about a broken sewer line, that line was broken and left to drip raw sewage for 4 days. The pipe was replaced with a plastic pipe with duct tape. It was believed that the pipe leaked raw sewage into Indian Bend Wash. There was a case where there was a sewer lateral in the plans that was damaged during excavation. The picture I believe Ms. Clendenin had showed was of the temporary plastic pipe that was installed to maintain flow of the sewage for a resident's house. When the permanent pipe was delivered it was installed in accordance with the code. At the time of the damage, the small amount of leakage that was released in to the soil was disposed of properly. We had discussions with ADEQ addressing the same questions. As far as we know, we were not in violation or out of compliance.

Cherrington: Can I ask a question? Does the permanent sewer line go through the storm drain?

Phillips: There were a couple of instances where that was the case but it was designed for that. The structure itself was designed for it. There was no way to go over or under the storm drain. The steel pipe, which goes through it, was designed for the increased loading of water washing against it. We knew it was going to happen, so we planned accordingly in the design.

Cherrington: Is that common?

Phillips: My understanding is that it is not common, but it does occur. It is a rare occurrence.

Martin: I asked our engineer the same question. He said that it is acceptable to the engineer. It is not preferred, but it is acceptable, were his words.

Ward: You will see that more often back east or up north where you have these huge storm drains. Where I am from, Milwaukee, WI. they get 70 inches of rain a year and so you will see the combination of drains and sewers. They are right next to each other, right on top of each other and they run through each other. Is that your experience Scott?

Vogel: Mr. Chairman, Members of the Board, this was actually my first experience with a sewer going through the storm drain. It was a single house lateral that went through the drain. As Tim indicated, it was constructed of steel designed to withstand the force of the water.

Martin: That was a 6-inch you are talking about?

Vogel: It was either a 3 or 4-inch house service.

Phillips: The last comment Ms. Clendenin has was regarding performing an independent review of the original plans versus the as-builts. I explained that if she could give me specifics we could do that. We had a number of staff on site, our staff, Blucor staff, Town of Paradise Valley staff, reviewing what was being done along the way. Unless she can provide specifics, I am not inclined to compare the entire project plan.

Martin: We definitely asked her to put her concerns in writing, but it hasn't happened.

Phillips: The other point I want to make is that we do have the joint FCAB/TAB meeting scheduled for August 2, 2004 at 9 am. So between now and the August FCAB meeting, we will probably meet twice. Once for the joint meeting and once for the cost share workshop.

Another comment I wanted to make, the management team here is looking at where we want to go in the future, what we want to do, what type of changes we might want to make. With that in mind, the Division Managers are currently in the process of visiting five other Flood Control Districts to see how they are doing business and benchmark what we are doing. I will take an opportunity to sit down with each of you to see if we are going the direction you want us to go, are there issues that you want us to deal with, or issues that you don't want us to deal with. My goal is to try to complete that within the next month, so we can start the fiscal year with a direction of where we want to go.

At this point, we have been to two of the five organizations, what we have discovered is that we are to a greater degree a full service organization, providing all types of hazard mitigation for flooding. Where the others tend to be more infrastructure based, we tend to do it all the regulatory, planning, construction programs. After the other site visits are complete, I'll share with you how we stand with our peers nationally.

Lemmon: Mr. Chairman, I just wanted to share some good news. We received the verdict on the Gillespie Dam case on June 2. The trial had been split, one for liability with another trial to be held on damages. There were three parties involved, two of them, the dam owners and the farmers claimed that the District's clearing project made the dam fall down and also caused damage to the farmers. The verdict was that the District had no responsibility for the dam falling down. We were 100% cleared on that, which is excellent because that was the big money portion of the claim. We were found to be only 10% responsible for any damages that the farmers are able to prove in the next phase of the trial. So from a huge exposure, possibly in the \$100 million range we are significantly down to only 10% of the damages the farmers are able to prove. It was a wonderful verdict for the defense team and we are very happy.

9) OTHER BUSINESS AND COMMENTS FROM THE PUBLIC

The meeting was adjourned at 4:07pm